

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: January 31, 2015

UNITED STATES OF AMERICA

-v-

ROSS WILLIAM ULBRICHT,

Defendant.

14-cr-68 (KBF)

OPINION & ORDER

KATHERINE B. FORREST, District Judge:

At the end of the day on Thursday, January 29, 2015, the Court requested—on the record—that Mr. Dratel provide notice to the Court immediately upon his receipt of the Government’s motion to preclude as to when he would be responding to that motion. The Government filed its motion shortly after the day’s proceedings concluded. The Court did not receive anything from Mr. Dratel that evening or on Friday, January 30, 2015 discussing timing, nor did the Court receive anything from Mr. Dratel on the morning of Saturday, January 31, 2015.

On Saturday, January 31, 2015, the Court issued an order, which was emailed to counsel at 10:00 a.m., requiring any response by 2:00 p.m.—and only at 2:01 p.m. did the Court hear from Ms. Lewis that religious observance prevented Mr. Dratel from complying with the Court's order. Mr. Dratel should have informed the Court of this issue before—not after—the weekend began. The Court also has a schedule.

The Court intends to decide on the motion to preclude promptly. Accordingly, any legal response to the Government's motion to preclude shall be filed not later

than 8:00 p.m. tonight. That is it. Ms. Lewis's letter mentions “submissions” relating to Antonopolous—the only submission is the legal response to the Government's motion. The Court assumes that defendant is not now, at this late date, considering putting in additional materials relating to Antonopolous.

The Court is unclear as to whether there is an additional expert who has been disclosed. Any additional expert would have to have been disclosed before now—if such a disclosure has not been made by now, it is untimely and shall not be allowed.

All exhibits relating to defense witnesses shall be made **not later than 10:00 p.m.** this evening, January 31, 2015.

SO ORDERED.

Dated: New York, New York
January 31, 2015

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge